

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JAN 06 2006

[Signature]
CLERK

*
UNITED STATES OF AMERICA, * CR. 05-40134
*
Plaintiff, *
*
vs. * ORDER
*
PATRICK JOSEPH MARTIN, *
*
Defendant. *

Pending is the Government's Motion to File a Delayed Response to Defendant's Motion to Dismiss Indictment and its' Request to Postpone Hearing (Doc. 15). After considering the motion and the entire file herein, it is hereby

ORDERED that:

1. The Government's Motion to File a Delayed Response is GRANTED. The government's response to Defendant's Motion to Dismiss is considered timely filed.
2. The Government's Request to Postpone Hearing is DENIED. However, to resolve the scheduling conflict described in the motion, the motions hearing is rescheduled to commence at 8:00 a.m. on Tuesday, January 10, 2006.

Dated this 6th day of January, 2006.

BY THE COURT:

[Signature]
John E. Simko
United States Magistrate Judge

ATTEST:

JOSEPH HAAS, Clerk

By Sherry Margulies, Deputy
(SEAL)